

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
2 zoning by amending Section 27.07.040 to eliminate the requirement that a community unit plan in
3 the AG district shall contain a minimum area of 75 acres; by amending Section 27.65.020 to provide
4 provisions regarding approval of a community unit plan in the BTA Overlay District with underlying
5 AG or AGR zoning to require that in the BTA Overlay District the land within a community plan
6 be divided into two components, an Acreage Development Component and an Urban Reserve
7 Component, to provide density bonus, and to provide for the timing of subdivision and development
8 of each component; by amending Section 27.65.030 to provide that the application for a community
9 unit plan shall be filed with the Planning Department rather than the Department of Building and
10 Safety and to require the execution of an agreement between the City and the permittee for
11 development of a community unit plan located in the BTA Overlay District; by amending Section
12 27.65.070 to provide for the form of community plan in the R-1 through R-6 zoning districts and in
13 the AG and AGR zoning districts not within the BTA Overlay District; by adding a new section
14 numbered 27.65.075 to provide for the form of a community unit plan in the BTA Overlay District;
15 by adding a new section numbered 27.83.010 to provide regulations for the BTA Build Through
16 Acreage Overlay District; by adding a new section numbered 27.83.020 to describe the purpose of
17 the BTA Overlay District; by adding a new section numbered 27.83.030 to establish the district
18 boundaries for the BTA Overlay District; by adding a new section numbered 27.83.040 to establish
19 use regulations for the BTA Overlay District; by adding a new section numbered 27.83.050 to
20 provide provisions governing the use of an undersized lot for a single family dwelling pursuant to

1 a special permit for a community unit plan in the BTA Overlay District; by adding a new section
2 numbered 27.83.060 to establish area, height, grading and land use disturbance, parking, and sign
3 regulations for the BTA Overlay District; by repealing Sections 27.07.040, 27.65.020, 27.65.030,
4 and 27.65.070 of the Lincoln Municipal Code as hitherto existing; and by codifying Sections
5 27.83.010 through 27.83.060 as Chapter 27.83 of the Lincoln Municipal Code, entitled "Build
6 Through Acreage Overlay District."

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 27.07.040 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **27.07.040 Permitted Special Uses.**

11 A building or premises may be used for the following purposes in the AG Agriculture District
12 if a special permit for such use has been obtained in conformance with the requirements of Chapter
13 27.63:

- 14 (a) Private schools;
- 15 (b) Recreational facilities;
- 16 (c) Dwellings for members of religious orders;
- 17 (d) Broadcast towers and stations;
- 18 (e) Campgrounds;
- 19 (f) Veterinary facilities;
- 20 (g) Confined feeding facilities for livestock or poultry in excess of 15,000 square feet in
21 area; in those parts of the AG Agriculture District designated "agricultural" on the future county land
22 use map (Fig. 17) of the Lincoln-Lancaster County Comprehensive Plan (which for this purpose only
23 is hereby incorporated herein by reference);

(h) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;

(i) Sale barns;

(j) Garden centers;

(k) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;

(l) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;

(m) Expansion of nonconforming use;

(n) Historic preservation;

(o) Community unit plans shall be permitted in conformance with provisions of Chapter 27.65. ~~Any community unit plan shall contain a minimum area of seventy-five acres;~~

(p) Public utility purposes;

(q) Private landing strips and appurtenances;

(r) Limited landfills;

(s) Race tracks for motorized vehicles;

(t) Temporary storage of construction equipment and materials;

(u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.07.030.;

(v) Clubs;

(w) Dwelling units for domestic employees in accessory buildings;

(x) Heritage centers;

(y) Community halls.

Section 2. That Section 27.65.020 of the Lincoln Municipal Code be amended to read as follows:

27.65.020 General Requirements.

(a) General Requirements. The owner or owners of any tract of land in the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district which is one acre or more in area; in the BTA Overlay District with underlying AG zoning district which is ~~seventy-five~~ forty acres or more in area; or in the BTA Overlay District with underlying AGR zoning district which is ten acres or more in area, including and up to the centerline of existing public rights-of-way abutting the tract of land may submit to the City Council a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing residential development; provided, however, that the City Council shall apply the standards contained in this chapter and in Chapter 27.63 in considering all applications for community unit plans.

(b) Specific Requirements.

(1) In the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district:

~~(a)~~ (i) A community unit plan may be permitted on a tract of land which is less than ten acres but more than five acres in area. The maximum permitted density on such a tract shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by ten percent to accommodate the small size of the tract.

~~(b)~~ (ii) A community unit plan may be permitted on a tract of land which is not more than five acres but more than one acre in area. The maximum permitted density shall be calculated as provided in Section 27.65.080, and this maximum will be reduced by twenty percent to accommodate the small size of the tract.

1 ~~(c)~~ (iii) A community unit plan may be permitted on a tract of land which is
2 less than ten acres but more than one acre in area where such tract is bounded on at least two sides
3 by one or more existing community unit plans. The maximum density of such a tract shall be
4 calculated as in Section 27.65.080.

5 ~~(d)~~ (iv) A community unit plan may be permitted on a tract of land which is
6 ten or more acres in area. The maximum permitted density of such a tract shall be calculated as in
7 Section 27.65.080.

8 ~~—————(e)———— Notwithstanding the provisions of (a) through (d) above, where permitted in~~
9 ~~the AG Agriculture District, any community unit plan shall contain a minimum area of seventy-five~~
10 ~~acres, and in the AGR Agricultural Residential District, a minimum area of ten acres.~~

11 ~~(f)~~ (v) A community unit plan which complies with the energy conservation
12 standards adopted by the City Council and on file with the City Clerk may receive a dwelling unit
13 bonus in accordance with the standards adopted by resolution of the City Council.

14 ~~(g)~~ (vi) Additional dwelling units may be granted by the City Council for each
15 dwelling unit subsidized by the state or federal government for low-income families or as a dwelling
16 unit bonus for the provision of barrier-free units; however, the number of additional dwelling units
17 shall not exceed those provided in the standards adopted by resolution of the City Council.

18 (2) In the BTA Overlay District the land within the community unit plan shall be
19 divided into two components: an Acreage Development Component and an Urban Reserve
20 Component, except as provided in subsection (ii) below. The Acreage Development Component
21 may be subdivided in conformance with requirements of the City Land Subdivision Ordinance into
22 residential lots for single-family dwellings. The Urban Reserve Component may not be subdivided
23 or built upon but rather shall be reserved for future residential development until such time as City

1 sanitary sewer and water utilities are extended to the Urban Reserve Component and the land within
2 the community unit plan is annexed by the City of Lincoln.

3 (i) In the BTA Overlay District with underlying AG zoning, the Acreage
4 Development Component shall not exceed twenty-five percent (25%) of the total area of the
5 community unit plan if single-family dwellings will utilize on-site wastewater systems and in such
6 event the minimum lot size shall be three acres. The Acreage Development Component shall not
7 exceed ten percent (10%) of the total area of the community unit plan if the single-family dwellings
8 will utilize a community wastewater system and in such event the maximum lot size shall be one
9 acre.

10 (ii) In the BTA Overlay District with underlying AGR zoning, the Urban
11 Reserve Component is not required and the total area of the community unit plan may be used for
12 the Acreage Development Component if the single-family dwellings will utilize on-site wastewater
13 systems and in such case the minimum lot size shall be three acres. The Acreage Development
14 Component shall not exceed forty percent (40%) of the total area of the community unit plan if the
15 single-family dwellings will utilize a community wastewater system and in such case the maximum
16 lot size shall be one acre.

17 ~~(h)~~ (c) A community unit plan located in the ~~AG or AGR zoning districts~~ BTA Overlay
18 District which will substantially protect an open space area as designated on the future land use plans
19 included in the Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit
20 bonus provided that:

21 (1) The request for a dwelling unit bonus shall be accompanied by a showing of the
22 need for protection of the open space, a description of the proposed use of the open space and any
23 limitations there on, and the proposed method of protecting the open space which may include, but

1 is not necessarily limited to, protective covenants, conservation or preservation easements, or similar
2 restrictions of record.

3 (2) The proposed method of protecting the open space shall expressly (i) prohibit the
4 construction or installation of any structures or other improvements in the open space for a period
5 of 99 years, except minimal above ground structures or improvements reasonably necessary and
6 incidental to the proposed use of the open space; and (ii) prohibit such uses as shooting ranges,
7 basketball courts, baseball fields, football and soccer fields, racetracks, or other stadium uses,
8 facilities for spectator sports, and any activities that would unreasonably disturb the residents of the
9 community unit plan or the surrounding neighborhoods.

10 (3) The open space shall be accessible to, and available for use by, the residents of
11 the community unit plan;

12 For the purposes of this subsection, "open space" shall mean land or water which is
13 undeveloped or which is set aside for public or private outdoor recreational uses, such as parks, trail
14 systems, golf courses, or bodies of water for swimming, fishing, or boating.

15 ~~—— (i) A community unit plan located in the AG or AGR zoning district which will protect~~
16 ~~natural environmentally sensitive areas, whether or not shown in the Lincoln City-Lancaster County~~
17 ~~Comprehensive Plan, may receive a dwelling unit bonus provided that:~~

18 ~~—— (1) The request for dwelling unit bonus shall be accompanied by a showing of the~~
19 ~~need for the protection of the natural environmentally sensitive area including documents supporting~~
20 ~~the quality or value of the area to the community or ecosystem, the use proposed for the area and any~~
21 ~~limitations thereon, and the proposed method of protecting the area which may include, but is not~~
22 ~~necessarily limited to, protective covenants, conservation or preservation easements, or other~~
23 ~~restrictions of record which insure that such areas shall remain undeveloped and preserved and which~~

1 expressly prohibit any structures or other improvements or change in use of the area for a period of
2 at least 99 years; and

3 ~~—————(2) The density bonus if granted, will not cause any degradation of the natural~~
4 ~~environmentally sensitive area. Appropriate buffers shall be provided to insure that such degradation~~
5 ~~does not occur; and~~

6 ~~—————(3) The natural environmentally sensitive area shall be accessible to residents of the~~
7 ~~community unit plan, and may also be accessible to the public, for very low passive recreation uses.~~
8 ~~Only those improvements specifically related to the use and enjoyment of such natural~~
9 ~~environmentally sensitive area, such as walkways and trails, which have been shown by the applicant~~
10 ~~to have no detrimental effect on said area shall be permitted.~~

11 ~~————For purposes of this subsection, "natural environmentally sensitive areas" shall mean areas~~
12 ~~such as wetlands, bodies of water, native prairie, woodlands, floodplains, or other wildlife habitats,~~
13 ~~or greenway corridors which are of substantial quality or value to the community and the ecosystem~~
14 ~~and which may include such natural buffers as are necessary and of sufficient quality to protect the~~
15 ~~integrity of the natural environmentally sensitive area.~~

16 ~~————In addition, natural environmentally sensitive areas may also include degraded natural areas~~
17 ~~that the applicant proposes to fully restore provided that:~~

18 ~~—————(1) The applicant shows that there is a high likelihood for successful restoration of~~
19 ~~such area;~~

20 ~~—————(2) The applicant demonstrates that he or she will dedicate sufficient resources to~~
21 ~~fully restore and maintain such area; and~~

22 ~~—————(3) The applicant will commence restoration of such area no later than the time at~~
23 ~~which the construction of those dwelling units which require the dwelling unit bonus commences.~~

1 ~~(j) A community unit plan in the AG zoning district where cultivated land and pasture~~
2 ~~land is preserved for agricultural use and no new public roads are created may receive a dwelling unit~~
3 ~~bonus provided that such land shall remain undeveloped and preserved and that protective covenants,~~
4 ~~conservation or preservation easements, or other similar restrictions of record are in place to~~
5 ~~expressly prohibit any change in use for a period of at least 99 years.~~

6 (d) A community unit plan located in the BTA Overlay District with underlying AG
7 zoning in consideration of providing for future subdivision of the lots within the Acreage
8 Development Component as well as the Urban Reserve Component shall receive a twenty percent
9 (20%) density bonus.

10 (e) A community unit plan located in the BTA Overlay District with underlying AGR
11 zoning in consideration of providing for future subdivision of the Urban Reserve Component shall
12 receive a twenty percent (20%) density bonus.

13 (f) A community unit plan located in the AG Agricultural District which utilizes a
14 community wastewater disposal system rather than individual wastewater systems shall receive a
15 twenty percent (20%) density bonus.

16 ~~(k)~~ (g) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, AG or AGR or
17 BTA Overlay zoning districts which will substantially protect floodplain or floodprone areas may
18 receive a dwelling unit bonus if a permanent conservation easement or permanent deed restriction
19 is dedicated to preserve the floodplain or floodprone area. The bonus allotment will be
20 proportionally equal to the amount of floodplain preserved on the site and the size of the lot as in
21 conformance with the design standards.

22 ~~(h)~~ (h) The dwelling unit bonuses permitted under subsections (c), (d), (e) and (g) of this
23 section shall not exceed a total of twenty percent (20%) in any community unit plan.

Section 3. That Section 27.65.030 of the Lincoln Municipal Code be amended to read
as follows:

27.65.030 Procedures.

An application and plot plan and plans for development of a community unit plan under this chapter shall be filed in writing with the planning department ~~of building and safety~~. Upon the filing of an application, together with all information required by this chapter, the City Council will refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and make a report to the City Council regarding the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to the public health, safety, and general welfare. The City Council shall take no final action upon any application for a community unit plan filed under this chapter until a report from the Planning Commission has been filed with the City Clerk; provided, that in the event there is a delay in excess of sixty days from the date of referral on the part of the Planning Commission in reporting its recommendations to the City Council, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

The report of the Planning Commission to the City Council shall include reasons for recommending approval or denial of any application and if approval is recommended, shall further include specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(a) That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;

1 (b) That the proposed community unit plan is consistent with the intent and purpose of
2 this title to promote the public health, safety, and general welfare;

3 (c) That the buildings and land in the proposed community unit plan shall be used only
4 for single-family dwellings, two-family dwellings, townhouses, multiple dwellings, or dwellings for
5 non-related persons and accessory uses and any other uses permitted in the zoning district in which
6 the land is located;

7 (d) That the average lot area per family within the proposed community unit plan will not
8 be less than the lot area per family required in the zoning district or districts in which the tracts of
9 the proposed community unit plan is located, except as otherwise provided in this chapter. The lot
10 area per dwelling for non-related persons shall not be less than the lot area required under Section
11 27.70.020 for the zoning district in which the use is proposed to be located.

12 (e) ~~If an application for the community unit plan located within a floodplain is granted~~
13 ~~approval by the city, it shall not be necessary for the applicant to make an application for a special~~
14 ~~permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and~~
15 ~~A-57540. It shall be presumed that the applicant has received all such approvals as may be required~~
16 ~~by the foregoing resolutions by virtue of the city granting approval to the community unit plan. For~~
17 a community unit plan located in the BTA Overlay District, the Council shall require the execution
18 of a written agreement with the City relating to conversion of the Acreage Development Component
19 to higher urban density and future annexation of the Urban Reserve Component and implementation
20 of the Master Plan for the future development of the Urban Reserve Component of the community
21 unit plan. The written agreement shall include, but not be limited to, the following provisions:

1 (1) The timing of annexation and the final platting of the Urban Reserve
2 Component following the extension of sanitary sewer and water utilities to the Urban Reserve
3 Component;

4 (2) A plan for funding infrastructure cost for conversion of the Acreage
5 Development Component and implementation of the master plan for the Urban Reserve Component,
6 including an agreement to agree to petition for the creation of special assessment districts for the
7 installation of such improvements if not installed by the permittee at permittee's own cost and
8 expense.

9 Section 4. That Section 27.65.070 of the Lincoln Municipal Code be amended to read
10 as follows:

11 **27.65.070 Form of Community Unit Plan in the R-1 through R-6 Zoning Districts and AG**
12 **and AGR Zoning Districts Not Within BTA Overlay District.**

13 A final plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in
14 a sufficient size and scale to show the details of the plan clearly and shall contain the following
15 information:

16 (a) A surveyor's certificate certifying to the accuracy of the boundary survey shown
17 thereon, and a certificate for showing the Planning Commission's approval or disapproval, and a
18 certificate for the City Clerk to show the approval or disapproval by City Council, including the date
19 and resolution number;

20 (b) Date prepared, north point, scale of plot plan, and location of section lines and section
21 corners;

22 (c) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
23 elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

1 (d) Locations, name, tangent lengths, centerline radius of each curve and its interior angle
2 and width of all proposed and existing streets, highways, private roadways, and other public ways
3 within and adjacent to the development;

4 (e) Locations and widths of all existing and proposed easements for drainage, sewers,
5 and other public utilities and, if appropriate, access easements;

6 (f) Location, width, and direction of flow of all watercourses in and adjacent to the
7 community unit plan, including the limits of the floodplain and floodway as defined in Chapters
8 27.52 and 27.53;

9 (g) The location and size of all existing and proposed sanitary and storm sewers, culverts,
10 water mains, fire hydrants, and existing power lines and other underground structures or cables
11 within the tract of land and adjacent streets;

12 (h) All lot lines, building setback lines for all lots, dimensions of all lot lines and building
13 envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

14 (i) Lot numbers shall begin with the number (1) and shall continue consecutively through
15 a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters
16 shall be used to designate outlots in alphabetical order;

17 (j) Proposed areas for parks and playgrounds. Any parcels other than streets which are
18 to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated
19 as outlots and assigned an alphabetical designation;

20 (k) The location of all proposed and existing sidewalks, walkways, and other pedestrian
21 ways;

1 (l) Location, height, and use of proposed and existing buildings with an indication as to
2 whether an existing building is to be removed or to remain, and signs, if any, in accordance with the
3 provisions of Chapter 27.69;

4 (m) A certified accurate boundary survey showing sufficient linear, angular, and curve
5 data to determine the bearing and length of all boundary lines of the community unit plan. Where
6 the tract of land abuts on an existing plat, the distances, angles, and bearing of any common lines
7 shall be shown and any differences in measurement noted. The total calculated acres within the
8 boundaries of the community unit plan shall be shown;

9 (n) The following data shall be shown on each sheet of the community unit plan:

10 (1) The name of the community unit plan;

11 (2) The name, address, and telephone number of the person or company
12 responsible for preparation of the community unit plan;

13 (3) North arrow, scale, date;

14 (4) Sheet number and the total number of sheets comprising the community unit
15 plan.

16 (o) Accompanying the community unit plan, the following information shall be submitted
17 to the Planning Department with the number of copies requested by the Planning Director:

18 (1) Name, address, and telephone number of developer;

19 (2) Certified record owner or owners and their address;

20 (3) Legal description of the proposed community unit plan, including the number
21 of acres;

22 (4) Statement of present zoning and proposed use or uses of the property;

1 (5) Profiles along the centerline of the proposed streets and private roadways
2 which show the existing ground surface elevations and the proposed street grades including the
3 length of vertical curves between changes in grade with the profiles for stub streets ending at the
4 boundary of the community unit plan to be extended 300 feet beyond the limits of the community
5 unit plan into subdivided and unsubdivided land;

6 (6) The proposed method of providing sanitary sewer service to the area;

7 (i) If a public wastewater works or community wastewater works is
8 established, the size and location of all proposed sanitary sewers, the proposed manhole locations,
9 any necessary extension to the existing public system or to the proposed community wastewater
10 works, and the location of the proposed community wastewater works;

11 (ii) If the use of an on-site wastewater treatment system is permitted,
12 pursuant to Section 26.27.040 of the Lincoln Municipal Code, plans for the proposed disposal system
13 and its location on each lot must be shown. If a septic tank system is proposed, soil and percolation
14 data and plans which show the location of one main subsurface disposal field for each lot which is
15 proposed to be served by a septic tank system shall be shown.

16 (7) The proposed method of providing an adequate potable water supply;

17 (i) If a public, or community water system, or rural water district is used,
18 the location and size of all proposed water mains, the proposed hydrant locations, and any necessary
19 extension of the proposed system to existing water mains or to a proposed community well, the loca-
20 tion of the proposed community well, and the type of water treatment to be used;

21 (ii) If a community water system other than a rural water district is
22 proposed, data on the quantity and quality of the water shall be obtained from a test well within the
23 immediate vicinity of the proposed water supply well. If an individual water well system for each

lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio of one to each ten acres on a grid system. The results of these preliminary tests shall in no way be construed to guarantee the quantity or quality of water to individual lots in the proposed community unit plan and the data obtained from these tests shall not be used to imply that an adequate quantity or acceptable quality of water is available in the proposed community unit plan.

(8) A drainage study prepared in accordance with the current storm sewer design standards of the city on file with the City Clerk. The following items must be included in the drainage study:

(i) A map showing the drainage area and resulting runoff from any land lying outside the limits of the community unit plan which discharges storm water runoff into or through the community unit plan;

(ii) A map showing all internal drainage areas and resulting runoff;

(iii) Proposals as to how the computed quantities of runoff will be handled;

(iv) A copy of the drainage computations.

(9) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the location, and identifies, by common name, all existing trees within the area of the community unit plan. Single trees which are three inches in caliper or larger measured five feet above the ground must be shown. However, if five or more trees are located so that each is within approximately ten feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list of the common names of the trees which are within the tree mass. If the above-stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication

1 shall be made on the map showing which trees or tree masses are to remain and which trees or tree
2 masses are to be removed;

3 (10) A vicinity sketch showing the general location of the community unit plan in
4 relation to existing streets, section lines, and city limits;

5 (11) Site grading plan showing existing and proposed contour lines with intervals
6 at no greater distance than five feet, and if necessary, spot elevations showing complete proposed
7 grading of the community unit plan. Also, cross-sections may be required showing existing and pro-
8 posed ground lines and buildings. Information as to where fill will be obtained and the amount of
9 the fill shall be included if all or part of the property is located within the floodplain as defined in
10 Chapters 27.52 and 27.53. If the proposed location from which said fill is obtained is later to be
11 changed, the developer shall inform the Public Works and Utilities Department of the location of the
12 proposed new borrow area and obtain approval thereof from the Director of Public Works and
13 Utilities;

14 (12) All deviations from the provisions of this chapter shall be fully set forth and
15 reasons given for said deviations;

16 (13) In the event that said real property is located within a floodplain, the developer
17 shall comply with all requirements pertaining to floodplains contained in the Lincoln Municipal
18 Code and applicable state statutes.

19 Section 5. That Chapter 27.65 of the Lincoln Municipal Code be amended by adding
20 a new section numbered 27.65.075 to read as follows:

21 **27.65.075 Form of Community Plan in the BTA Overlay District.**

22 (a) A final plot plan for the Acreage Development Component shall be accurately,
23 clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details

1 of the plan clearly and shall contain the information required for final plot plans in Section 27.65.070
2 and the following requirements:

3 (1) Building envelopes shown on lots in the final plot plan shall meet required
4 setbacks for the lots shown under the future final plot plan providing for conversion of the Acreage
5 Development Component to higher urban residential density; and

6 (2) The drainage and site grading plans shall include both the Acreage
7 Development Component and the Urban Reserve Component and shall be designed to drain and
8 grade both components in accordance with the future final plot plan for the Acreage Development
9 Component and the Master Plan for the Urban Reserve Component. Final and rough grading of the
10 Acreage Development Component shall be accomplished as set forth in Lincoln Municipal Code
11 Section 26.11.038.

12 (b) A future final plot plan providing for conversion of the Acreage Development
13 Component to higher urban residential density shall be accurately, clearly, and legibly drawn on
14 tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall
15 contain the information required for final plot plans in Section 27.65.070 and the following
16 information:

17 (1) Final lot lines that will be implemented with the extension of urban infrastructure
18 and annexation by the City. For acreage community unit plans using on-site wastewater systems
19 with a three acre minimum lot size, the future plot plan shall provide an average lot size of one acre
20 or a maximum gross density of one unit per acre. For acreage community unit plans using
21 community wastewater systems with a one acre maximum lot size, the future final plot plan shall
22 provide an average area per family equal to the lot area per family required in the **R-3 R-1**
23 Residential District, or a maximum gross density of **3.25 3.0** units per acre.

1 (2) The location and layout of any future streets not dedicated and improved as part
2 of the final plot plan for the Acreage Development Component, but needed in the future to convert
3 the Acreage Development Component and Urban Reserve Component to Urban Density.

4 (3) Easement locations for future utilities and stormwater drainage.

5 (4) Building envelopes which meet required setbacks under the conversion.

6 (c) A Master Plan providing an urban framework for future development of the Urban
7 Reserve Component of the community unit plan which establishes the major systems that serve the
8 overall development, documenting the future relationships between the Acreage Development
9 Component and the Urban Reserve Component. The Urban Framework Master Plan shall be
10 accurately, clearly and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show
11 the details of the plan clearly and shall contain the following information:

12 (1) The layout of arterial and collector streets on the site. These will typically include
13 streets approximately on half section lines, along with connections to adjacent parcels.

14 (2) Major infrastructure lines, including water distribution, sanitary sewers, and storm
15 sewers, if part of the stormwater management plan.

16 (3) A master stormwater management plan, indicating general grading concepts and
17 directions, stormwater retention and detention structures, and storm sewers.

18 (4) Easements and dedications for all major utility services.

19 (5) Proposed parks, open spaces, trails, and greenways.

20 (6) Resource conservation or preservation areas, including wetlands, wooded areas,
21 streams and waterways, and other features that will be maintained and incorporated into future
22 development concepts.

1 (7) The Master Plan shall provide a minimum gross residential density of no less than
2 four units per acre on the portion of the site that is to be developed for urban residential purposes.

3 (8) The Master Plan may propose a land use master plan, displaying the location and
4 relationship of various uses, but such a plan is not a requirement for approval.

5 Section 6. That Title 27 of the Lincoln Municipal Code be amended by adding a new
6 section numbered 27.83.010 to read as follows:

7 **27.83.010** **Scope of Regulations.**

8 The regulations set forth in this chapter, or set forth elsewhere in this title when referred to
9 in this chapter, are the regulations of the BTA Build Through Acreage Overlay District.

10 Section 7. That Title 27 of the Lincoln Municipal Code be amended by adding a new
11 section numbered 27.83.020 to read as follows:

12 **27.83.020** **Purpose.**

13 The purpose of this chapter is to provide a mechanism for approval of short-term acreage
14 development in portions of the City of Lincoln’s zoning jurisdiction that are unlikely to receive urban
15 services, and consequent urban density development, within the next 20 to 25 years (generally the
16 area designated as Tiers II and III in the City of Lincoln’s 2025 Comprehensive Plan) in the form of
17 an overlay zone in combination with the City’s existing AG Agriculture and AGR Agricultural
18 Residential Districts. The overlay district is intended to allow owners the opportunity to realize a
19 reasonable return on their property and to accommodate a continuing demand for acreage
20 development without obstructing future urban development. The BTA Overlay District allows
21 owners to develop a portion of their property with low-density residential development, while
22 reserving the majority of the property for future long-term development with urban services. It also

1 provides for the eventual transition of the previously developed acreage residential use to higher
2 densities with the extension of urban services.

3 Section 8. That Title 27 of the Lincoln Municipal Code be amended by adding a new
4 section numbered 27.83.030 to read as follows:

5 **27.83.030 BTA Overlay District; Boundaries; Map.**

6 The BTA Overlay District applies to all land zoned AG and AGR on the effective date of this
7 Ordinance outside of, but within three miles of the city limits and all land which may hereinafter
8 come within three miles of the city limits by virtue of annexation which was at the time of
9 annexation zoned AG Agriculture District or AGR Agricultural Residential District under its
10 previous county zoning.

11 Section 9. That Title 27 of the Lincoln Municipal Code be amended by adding a new
12 section numbered 27.83.040 to read as follows:

13 **27.83.040 Use Regulations.**

14 Any use permitted in the underlying AG Agriculture District or AGR Agricultural Residential
15 District in which the proposed use is located shall be allowed in the BTA Overlay District, except
16 as prohibited within the provisions of this chapter and provided the additional requirements of this
17 chapter are met.

18 Section 10. That Title 27 of the Lincoln Municipal Code be amended by adding a
19 new section numbered 27.83.050 to read as follows:

20 **27.83.050 Single-Family Dwellings Under Community Unit Plans (CUP).**

21 A building or premises may be used for a single-family dwelling containing less than the
22 minimum lot area of the underlying zoning district in the BTA Overlay District if a special permit
23 for such use has been obtained in conformance with the requirements of Chapters 27.63 and 27.65.

1 Section 11. That Title 27 of the Lincoln Municipal Code be amended by adding a
2 new section numbered 27.83.060 to read as follows:

3 **27.83.060 Area, Height, Grading and Land Use Disturbance, Parking, and Sign**
4 **Regulations.**

5 The area, height, grading and land disturbance, parking, and sign regulations in the
6 underlying AG or AGR zoning district shall apply in the BTA Overlay District except as otherwise
7 provided herein.

8 Section 12. That Sections 6 through 11 of this ordinance be codified in the Lincoln
9 Municipal Code as Chapter 27.83, Build Through Acreage Overlay District.

10 Section 13. That Sections 27.07.040, 27.65.020, 27.65.030, and 27.65.070 of the
11 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

12 Section 14. That this ordinance shall take effect and be in force from and after its
13 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor